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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,766	03/16/2001	Kenichi Shiraishi	0670-257	7907
31780	7590	07/30/2008		
ERIC ROBINSON PMB 955 21010 SOUTHBANK ST. POTOMAC FALLS, VA 20165			EXAMINER BURD, KEVIN MICHAEL	
			ART UNIT	PAPER NUMBER
			2611	
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			07/30/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/805,766

Applicant(s)

SHIRAIISHI ET AL.

Examiner

Kevin M. Burd

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 and 8-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. This office action, in response to the remarks filed 5/19/2008, is a final office action.

Response to Arguments

2. The previous objection to claims 8-10 is withdrawn in view of the amendment to the claims.
3. Applicant's arguments filed 5/16/2008 have been fully considered but they are not persuasive. The pending claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Leimer (US 6,081,228) in view of Miya et al (US 5,572,516) further in view of the instant application's disclosed prior art. Applicant discloses a number of technical features recited on page 9.

Applicant states the combination of Leimer and Miya does not teach or suggest receiving a signal obtained by multiplexing a plurality of kinds of polyphase PSK-modulating. However, the combination of Leimer, Miya and the instant application's disclosed prior art discloses these limitations. As recited in the previous office action, the combination of Leimer and Miya does not disclose the received signal receives a broadcast signal multiplexed to contain a plurality of kinds of polyphase PSK-modulating signals having respective different number of phases and the receiver for shifting the operation of the receiver from a burst symbol reception mode to a continuation reception mode. In a digital BS broadcast system, an 8PSK modulation, a QPSK modulation and a BPSK modulation are adapted and time division multiplexed into a

modulation wave for transmission (page 3, line 24 to page 4, line 3). This signal is shown in figure 7. A main signal and burst signal are repeated in the frame. The main signal is an 8PSK/QPSK/BPSK-modulated signal (page 4, lines 4-14). The BPSK modulating signal is embedded in order to compensate for the carrier regenerative characteristics when the number of phases is difficult to obtain reception especially at a low C/N time (page 4, line 15 to page 5, line 3). The modes of reception alternate between the burst mode and the continuation reception mode (the mode where the main signal is received). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the instant application's disclosed prior art at the time of the invention with the receiver and method of the combination of Leimer and Miya to compensate for the carrier regenerative characteristics when the number of phases is difficult to obtain reception especially at a low C/N time (page 4, line 15 to page 5, line 3).

Applicant states on page 10, as to technical features (ii), (iii) and (vi), Leimer and Miya do not teach or suggest using two reception modes (a burst mode and a continuation reception mode). However, the combination of Leimer, Miya and the instant application's disclosed prior art discloses these limitations. Pages 4-6 of the instant application's disclosed prior art discloses the use of switching between burst reception mode and continuation reception mode according to the CNR values.

Applicant states Leimer and Miya do not disclose phase noise characteristics of a local oscillator in an outdoor unit. The examiner disagrees. As stated by applicant, Leimer appears to remove the useless phase noise. The removal of the phase noise is

the changing of the carrier regenerative loop characteristic. This is described in the previous office action. When the phase error is below a certain value, the phase noise intensity will be at a certain value and will be corrected. When the phase error is above this value, the phase noise intensity will be a different value and will be corrected as well. Since these values are different, different corrective measures will take place to compensate for the phase noise. The claimed "rapid variation property" and the "gentle variation property" are not defined in the claim. Leimer discloses these properties. When the error rate is lower than a threshold, the number of errors is low as is the phase noise intensity (figure 2). Therefore, a small correction is necessary since a higher quality signal is present. This correction is the "rapid variation property". When the error rate is larger than a threshold, the number of errors is high as is the phase noise intensity (figure 2). Therefore, a larger correction is necessary since a lower quality signal is present. This correction is the "gentle variation property."

As stated in the previous office action and repeated above, the claimed "rapid variation property" and the "gentle variation property" are not defined in the claims. The claims do recite these limitations but the claims do not recite what constitutes a rapid variation property opposed to a gentle variation property. The previous office action describes these claimed limitations as disclosed by the prior art.

Applicant states, on pages 12 and 13 of the remarks, limitations that are not found in the claims regarding the carrier loop property and the variation characteristics. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the

specific carrier loop property and the specific variation characteristics) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant also states a critical CNR by a phase noise is a particular physical measure and Leimer does not include a description of a physical measure corresponding to the claimed critical CNR by a phase noise. The examiner disagrees. Leimer discloses when the error rate is lower than a threshold, the number of errors is low as is the phase noise intensity (figure 2). Therefore, a small correction is necessary since a higher quality signal is present. This correction is the "rapid variation property". When the error rate is larger than a threshold, the number of errors is high as is the phase noise intensity (figure 2). Therefore, a larger correction is necessary since a lower quality signal is present. This correction is the "gently variation property."

For these reasons and the reasons stated in the previous office action, the rejections of the claims are maintained and stated below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6 and 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leimer (US 6,081,228) in view of Miya et al (US 5,572,516) further in view of the instant application's disclosed prior art.

Regarding claims 2, 6 and 11, Leimer discloses a GPS receiver shown in figure 1. The tracking errors are measured (column 5, lines 29-33) and shown in figure 2. The receiver's C/N is measured and is varied while holding the intensity of the phase noise fixed (column 4, lines 62-67). The phase noise is tracked and the estimate is delivered back into sections of the receiver channels to remove common clock phase noise from each of the channels' measurements of satellite carrier phase (column 2, lines 8-23). Leimer discloses providing feedback signals to remove the common clock phase noise according to the receiver's C/N and the intensity of the phase noise. The feedback is set according to the number of phase errors present (column 4, lines 62-67). The relationship between the number of phase errors, the phase noise intensity and the C/N is shown in figures 2 and 3. When the phase error is below a certain value, the phase noise intensity will be at a certain value and will be corrected. When the phase error is above this value, the phase noise intensity will be a different value and will be corrected as well. Since these values are different, different corrective measures will take place to compensate for the phase noise. The claimed "rapid variation property" and the "gentle variation property" are not defined in the claim. Leimer discloses these properties. When the error rate is lower than a threshold, the number of errors is low as is the phase noise intensity (figure 2). Therefore, a small correction is necessary since a higher quality signal is present. This correction is the "rapid variation property". When the error rate is

larger than a threshold, the number of errors is high as is the phase noise intensity (figure 2). Therefore, a larger correction is necessary since a lower quality signal is present. This correction is the "gently variation property."

Leimer does not disclose using PSK to modulate the signal received in the receiver of figure 1. Miya discloses it is well known to transmit PSK modulated signals in GPS systems. This is shown in figure 1 and described in column 4, line 60 to column 5, line 20 and column 8, lines 4-21. PSK signals are commonly used and inexpensive to transmit. For these reasons, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the use of PSK signal reception of Miya into the receiver of Leimer.

The combination of Leimer and Miya does not disclose the received signal receives a broadcast signal multiplexed to contain a plurality of kinds of polyphase PSK-modulating signals having respective different number of phases and the receiver for shifting the operation of the receiver from a burst symbol reception mode to a continuation reception mode. The instant application's disclosed prior art discloses, in a digital BS broadcast system, an 8PSK modulation, a QPSK modulation and a BPSK modulation are adapted and time division multiplexed into a modulation wave for transmission (page 3, line 24 to page 4, line 3). This signal is shown in figure 7. A main signal and burst signal are repeated in the frame. The main signal is an 8PSK/QPSK/BPSK-modulated signal (page 4, lines 4-14). The BPSK modulating signal is embedded in order to compensate for the carrier regenerative characteristics when the number of phases is difficult to obtain reception especially at a low C/N time (page

Art Unit: 2611

4, line 15 to page 5, line 3). The modes of reception alternate between the burst mode and the continuation reception mode (the mode where the main signal is received). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the instant application's disclosed prior art at the time of the invention with the receiver and method of the combination of Leimer and Miya to compensate for the carrier regenerative characteristics when the number of phases is difficult to obtain reception especially at a low C/N time (page 4, line 15 to page 5, line 3).

Regarding claims 3 and 8, Leimer discloses the phase noise estimate is delivered back to the filters to remove common phase noise (column 2, lines 8-23 and figure 1). This act is the setting the filter factor.

Regarding claims 4, 5, 9, 10 and 12, as stated above, the broadcast signal comprises an 8PSK modulation, a QPSK modulation and a BPSK modulation that are adapted and time division multiplexed into a modulation wave for transmission (instant application's disclosed prior art: page 3, line 24 to page 4, line 3). This signal is shown in figure 7. A main signal and burst signal are repeated in the frame. The main signal is an 8PSK/QPSK/BPSK-modulated signal (instant application's disclosed prior art: page 4, lines 4-14).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Burd whose telephone number is (571) 272-3008. The examiner can normally be reached on Monday - Friday 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Payne can be reached on (571) 272-3024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin M. Burd/
Primary Examiner, Art Unit 2611
7/29/2008